

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FREDRICK A. BROWN

Petitioner,

vs.

WARDEN SHELBY SMITH,

Respondent.

) **CASE NO. 1:18CV2820**
)
) **JUDGE DAN AARON POLSTER**
)
) **OPINION AND ORDER**
)
)
)
)

This case is before the Court on Petitioner Fredrick A. Brown's Motion for Evidentiary Hearing, **Doc #: 20**.¹

While captioned as a motion for evidentiary hearing, Brown's Motion merely argues an issue already resolved. Brown's Motion focuses on whether two police reports are relevant to his Habeas Corpus Petition. Doc #: 20. Brown has already argued the relevancy of the police reports before the Magistrate Judge in his Motion to Expand Record, Doc #: 13 at 2, and before this Court in his Objections to the Magistrate Judge's order, Doc #: 18. The Magistrate Judge found, and this Court agreed, that the police reports are not relevant. Doc ##: 17 at 5-6; 19 at 2-4.

As the Court has already found that the police reports are not relevant, Brown is unable to further contest their relevancy. To the extent Brown is unhappy with the Court's ruling, his recourse is an appeal to the Sixth Circuit.

¹ Ordinarily, a motion for evidentiary hearing is addressed by the presiding judge, who is Magistrate Judge William H. Baughman, Jr. by referral. This Court is addressing Brown's Motion because the Motion is challenging an order of this Court.

Accordingly, Brown's Motion for Evidentiary Hearing, **Doc #: 20**, is **DENIED**.

IT IS SO ORDERED.

/s/ Dan A. Polster March 25, 2020

Dan Aaron Polster

United States District Judge